

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

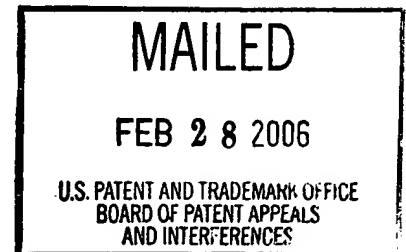
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ALEXANDER STEINKOGLER and
ALFRED SCHMIDT

Appeal No. 2006-0676
Application No. 09/718,473

ON BRIEF



Before HAIRSTON, JERRY SMITH and DIXON, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

Although claims 1 through 15 are currently pending in this application, appellants have chosen (brief, page 2) to appeal the rejection of only claims 1 and 7.

The disclosed invention relates to a method for processing different groups of loose sheet material.

Claims 1 and 7 are the only claims on appeal, and they read as follows:

1. A method for processing different successively processed groups of loose sheet material, comprising the following method steps:

separating the different groups of sheet material, and

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processing the separate groups of sheet material, said step of processing including examining the fitness or obtaining information of loose sheet material of each group of sheet material,

wherein a separator card is used for separating the different groups of sheet material, and at least one information carrier is used for processing the different groups of sheet material and bears information specific to a group of sheet material, the separator card and the at least one information carrier being separate from one another.

7. Means for separating and processing different groups of loose sheet material transported in a sheet processing device, the means comprising;

at least one separator card arranged to provide an indication of a separate group of loose sheet material as the groups are successively transported in a sheet processing device; and

at least one information carrier arranged to provide specific information concerning a group of loose sheet material as the groups are successively transported in a sheet processing device;

wherein the at least one separator card and the at least one information carrier are separate from one another.

The reference relied on by the examiner is:

Legault

5,064,222

Nov. 12, 1991

Claims 1 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Legault.

Reference is made to the brief and the answer for the respective positions of the appellants and the examiner.

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OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1 and 7.

A claim is anticipated under 35 U.S.C. § 102 “if each and every limitation is found either expressly or inherently in a single prior art reference.” Bristol-Myers Squibb Co. v. Ben Venue Labs, Inc., 246 F.3d 1368, 1374, 58 USPQ2d 1508, 1512 (Fed. Cir. 2001).

Appellants argue (brief, page 6) that the claims on appeal are not anticipated by the teachings of Legault because Legault fails to disclose the separation and processing of loose sheet material, fails to disclose an information carrier bearing information that is specific to a group of sheet material, and fails to disclose that the processing of sheet material includes examining fitness or obtaining information of loose sheet material.

Although we agree with the examiner’s contention (answer, page 3) that the cover sheet 3 broadly functions as a separator card, and that bar code applicator 8 broadly functions as an information card, we agree with the appellants’ argument (brief, pages 6 and 7) that Legault discloses a bound booklet of sheet material because of the glued spine 2 of the booklet, and that Legault does not disclose any processing of loose sheet material. For this reason alone, we must reverse the anticipation rejection of claims 1 and 7 because Legault does not disclose “each and every limitation” found in these claims.

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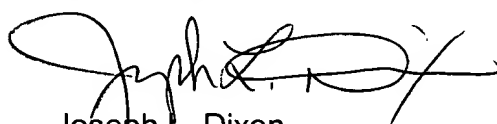
DECISION

The decision of the examiner rejecting claims 1 and 7 under 35 U.S.C. § 102(b)
is reversed.

REVERSED


Kenneth W. Hairston
Administrative Patent Judge


Jerry Smith
Administrative Patent Judge


Joseph L. Dixon
Administrative Patent Judge

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